

REMARKS

The Office examined claims 1-24 and rejected all of them. With this paper, various of the claims are amended, no claims are canceled, and no new claims are added, so that claims 1-24 remain in the application.

Rejections under 35 USC §102

At page 2 of the Office action, claims 1-24 are rejected under 35 USC §102 as being anticipated by U.S. Patent 6,320,595 to Simons et al., or U.S. Patent Application Publication 2003/0034934 to Brewer.

Of claims 1-24 in the case, only claims 1, 9, 13 and 21 are independent, and of those, claims 9 and 21 are changed to recite the group editing originally recited in now-canceled claims 10- and 22. Also, claims 1 and 13 are changed to recite that the wireless terminal referred to includes cellular telephone functionality. Support is at e.g. page 12, line 16, which explains that the picture editor is provided in a mobile phone, which is a term of art for cellular telephone. The application explains that the picture editor can also be provided with other types of "user equipment," which is a term of art for (any kind of) equipment providing cellular telephone functionality. See page 8, line 30.

With respect to the rejection of claims 1 and 13, to ground the rejections the Office action concedes that Simons discloses neither a picture manager, gallery or a picture folder where clip-art picture are held, but asserts that the store 38 in the memory 30 are the functional equivalents. Applicant respectfully submits that Simons teaches away from the galleries of clip-art recited in claims 1 and 13. Simons is aimed at providing a way to send (in principle) an infinity of different (scalable)

well, what's  
gallery?

images, all of which are made from a finite set of components. See col. 2, line 9. This is exactly the opposite tack taken in the invention as in claims 1 and 9, because the invention there claimed is directed to the use of clip-art in messages.

*15A9 re  
see last sentence of abstract  
"interesting" may be included  
intimate*

There is no assertion by the Office action as to the teachings of Brewer in respect to galleries of clip-art. Further, applicant respectfully submits that Brewer does not disclose a wireless terminal including cellular telephone functionality for communicating pictures via a wireless communication system as in amended claims 9 and 21. Brewer discloses only wireless communication (via possibly cellular telephone radio equipment) of a picture from a computer used to create the picture to a vanity display for displaying the picture. There is no teaching or suggestion of including the display computer 10 (used in creating a picture) referred to in the Office action as a component of a wireless terminal including cellular telephone functionality.

Further, the Office action nowhere asserts that either Brewer or Simons discloses a transceiver including an automatic recognition module, for determining whether or not a received message includes a clip-art picture, as in claims 4 and 16, or such an automatic recognition module that further distinguishes between an in-line graphics message and a message consisting of a gallery of clip-art, as in claims 5 and 17.

With respect to the rejections of claims 10 and 22, which recite group editing-- which limitation is now incorporated into claims 9 and 21 respectively--the Office action apparently bases its rejections on the "interactivity" referred to at col. 2, lines 12-20 of Simons (and not on any teaching in Brewer). Applicant respectfully submits that what is described at col. 2, lines 12-20 has nothing to do with group editing, which is the process in which users of different wireless terminals jointly

edit a picture stored in one of the wireless terminals (in the memory used for holding a picture while it is being edited). The referred to lines are as follows:

In order to permit a certain amount of interactivity, receivers of the images may be enabled to select one or more of the objects making up the image, to which end the first data word may include an indicator as to whether that object is selectable from among those of the complete image by a receiver of the image. The first data word may also include an indicator as to whether the respective object is to be reproduced as outline or to be filled in: where the object is a polygon, following the first data word, the following further words may suitably specify in sequence coordinates within the image field of each vertex of said polygon, such that irregular and relatively complex polygonal shapes may be specified.

Thus, all that is disclosed at col. 2, lines 12-20 is that a user who has received an image may edit it (at least in part, the part indicated as selectable) and send it back in a new message, possibly in reply to the message in which the image was included. There is no mention of any group editing or collaborating in creating an image, in contrast to what is being claimed now in claims 9 and 21. As explained in the specification at page 13, line 18,

... users using different mobile phones act collectively to create a clip-art picture on one of the mobile phones. ... According to the invention each of the participating mobile phones can request control of the drawing interface for one task (such as inserting and sizing a circle using the circle tool), and after the task the editor application finds the next request in a queue maintained by the editor and gives control of the editor interface to the user of the mobile phone that made the request, but only for as long as is required to complete one task.

Claims 10 and 22 are changed by this paper to more distinctly claim the group editing, and in particular to call out the (temporary) giving up of control to the picture editor of another wireless terminal, and the group editing generally is now claimed in claims 9 and 21, as mentioned above. Applicant respectfully submits that to liken the "interactivity" described

at col. 2, lines 12-20 to the group drawing recited in claims 9 and 21 (and also claims 6 and 18) is essentially the same as equating teleconferencing, in order to decide on the text of a document, and of course teleconferencing is generally accepted to be fundamentally different than the age-old exchanging of a series of drafts for comment.

Thus, for the reasons given for the independent claims, and for the further reasons in respect to claims 6 and 18 (group drawing) and claims 4-5 and 16-17 (automatic recognition module), applicant respectfully requests that all rejections under 35 USC §102 be reconsidered and withdrawn.


Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

June 17, 2004  
Date

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224

Respectfully submitted,

  
James A. Retter  
Registration No. 41,266

tel: (203) 261-1234  
Cust. No.: 004955